

Message Text

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ACTION IO-14

INFO OCT-01 EA-11 ISO-00 DPW-01 MC-02 ACDA-19 EB-11 SS-20

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FM USMISSION GENEVA

TO SECSTATE WASHDC 6253

INFO AMEMBASSY SAIGON

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EO 11652 NA

TAGS PARM PFOR ICRC VN US

SUBJ ICRC CONFERENCE ON WEAPONS

FOLLOWING FOR YOUR INFORMATION IS TEXT OF LETTER WHICH
AMBASSADOR LE VAN LOI, RVN'S PERMREP IN GENEVA, DELIVERED
TO ICRC ON MAY 24, 1974. QUOTE SIR:

I HAVE THE HONOR TO REFER TO THE SUBJECT OF A "CONFERENCE OF
GOVERNMENT EXPERTS ON WEAPONS WHICH MAY CAUSE UNNECESSARY
SUFFERING OR HAVE INDISCRIMINATE EFFECTS," TENTATIVELY
SCHEDULED FOR 24 SEPTEMBER - 18 OCTOBER 1974, AND
ESPECIALLY TO NOTE NO. 555/3.B DATED 17 MAY 1974 THAT THE
INTERNATIONAL COMMITTEE OF THE RED CROSS HAS SENT TO VARIOUS
GOVERNMENTS.

I SHOULD LIKE TO DRAW YOUR ATTENTION TO THE FOLLOWING POINTS:

1. FIRSTLY, THE XXIIND INTERNATIONAL CONFERENCE OF THE RED CROSS
(TEHRAN, NOVEMBER 1973), IN RESOLUTION XIV, HAD INVITED THE
INTERNATIONAL COMMITTEE OF THE RED CROSS TO CALL IN 1974 A
CONFERENCE OF GOVERNMENT EXPERTS TO STUDY IN DEPTH THE QUESTION
OF PROHIBITION OR RESTRICTION OF THE USE OF CONVENTIONAL WEAPONS
WHICH MAY CAUSE UNNECESSARY SUFFERING OR HAVE INDISCRIMINATE
EFFECTS, AND TO TRANSMIT A REPORT ON THE WORK OF THE CONFERENCE
TO ALL GOVERNMENTS PARTICIPATING IN THE DIPLOMATIC CONFERENCE ON
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HUMANITARIAN LAW HELD IN GENEVA WITH A VIEW TO ASSISTING THEM IN

THEIR FURTHER DELIBERATIONS. THE GENERAL ASSEMBLY OF THE UNITED NATIONS HAS TAKEN NOTE OF THIS RESOLUTION.

ACCORDING TO THE LETTER AS WELL AS THE SPIRIT OF RESOLUTION XIV OF THE INTERNATIONAL CONFERENCE OF THE RED CROSS -- A RESOLUTION FORMALLY CONFIRMED BY THE 28TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY -- ONLY THE GOVERNMENTS WHICH PARTICIPATED IN THE GENEVA DIPLOMATIC CONFERENCE OF FEBRUARY 1974 ARE ENTITLED TO EXAMINE THE REPORTS SUBMITTED BY THE CONFERENCE OF GOVERNMENT EXPERTS ON WEAPONS. IT FOLLOWS THAT THERE IS NO LEGAL POSSIBILITY FOR THE "PRG OF SVN" WHICH THE GENEVA DIPLOMATIC CONFERENCE REFUSED TO ADMIT AS A PARTICIPANT-- TO BE INVITED BY THE ICRC, AS IT HAS NOT BEEN CONSIDERED AS A GOVERNMENT BY THE DIPLOMATIC CONFERENCE AND THEREFORE CANNOT SEND ANY "GOVERNMENT EXPERTS" TO TAKE PART IN THE LUCERNE CONFERENCE.

THE ICRC NOTE OF 17 MAY 1974 ALSO REFERRED TO THE FACT THAT "THE ICRC HAD BEEN APPROACHED ON SEVERAL OCCASIONS" WITH A VIEW THAT IT SHOULD ACCEPT THE PARTICIPATION OF EXPERTS NOMINATED BY GOVERNMENTS OR OTHER BODIES WHICH WERE NOT REPRESENTED AT THE DIPLOMATIC CONFERENCE. BY ACCEDING TO THE "APPROACHES" OF A VERY FEW DELEGATIONS WHO DO NOT ACCEPT THE PARLIAMENTARY DECISIONS OF THE DIPLOMATIC CONFERENCE, THE ICRC IS HELPING THESE FEW TO ATTEMPT TO REVERSE THESE DECISIONS AND HAS THEREFORE GONE BEYOND ITS MANDATE AS EMBODIED IN THE ABOVE-MENTIONED RESOLUTION AND IN THE FINAL REPORT OF THE DIPLOMATIC CONFERENCE.

II. SECONDLY, THE ICRC'S MOVE IS AN ATTEMPT TO REOPEN THE ISSUE OF THE REPRESENTATION OF THE SELF-STYLED "PRG OF SVN"-- AN ISSUE THAT THE DIPLOMATIC CONFERENCE UNEQUIVOCALLY SETTLED ON 28 FEBRUARY 1974 BY A FORMAL VOTE. THE PROCEDURE ADOPTED BY THE ICRC TO SEEK THE REPLIES OF GOVERNMENTS BY CORRESPONDANCES, AS WELL AS THE CONTENTS OF THE ICRC EXPLANATORY NOTE ARE MOST CONTROVERSIAL AND EQUIVOCAL. THIS AMOUNTS TO AN INDIRECT INVITATION TO THE PARTICIPATING GOVERNMENTS TO THE DIPLOMATIC CONFERENCE NOT TO ABIDE TO THE SOVEREIGN DECISIONS THAT THEIR OWN PLENIPOTENTIAIRES HAVE TAKEN AND TO REVERSE THESE DECISIONS. IT IS REGRETTED THAT SUCH ACTION WAS TAKEN WITHOUT PROPER EXAMINATION OF ITS LEGAL AND PRACTICAL REPERCUSSIONS.

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THE GOVERNMENT OF THE REPUBLIC OF VIETNAM HAS TO PLACE ON RECORD ITS FIRM PROTEST TO SUCH AN ATTEMPT, AND CONTEST THE VALIDITY OF THE PROCEDURE THAT THE ICRC HAS UNILATERALLY RESORTED TO.

III. THIRDLY, MY GOVERNMENT CONSIDERS THAT SUCH AN ACTION BY THE ICRC IS DETRIMENTAL TO THE CAUSE OF PEACE IN VIETNAM AND TO THE INTERESTS OF THE VIETNAMESE PEOPLE. IT DOES NOT EITHER SERVE

THE HUMANITARIAN PURPOSE THAT THE ICRC IS CALLED UPON TO PURSUE
IN VIETNAM.

THE POSITION OF MY GOVERNMENT ON THE VIETCONG (PRG)
HAS BEEN CLEARLY EXPOUNDED AND EXPLICITLY ADOPTED BY THE
DIPLOMATIC CONFERENCE. THE SELF-STYLED "PRG OF
SVN" CANNOT BE IN ANY SENSE QUALIFIED AS A "GOVERNMENT". THE
VIETCONG IS SIMPLY AN INSTRUMENT CREATED BY THE NORTH
VIETNAMESE COMMUNISTS TO COVER UP THEIR AGGRESSION AGAINST
SOUTH VIETNAM. ANY ATTEMPT, EVEN UNDER THE HUMANITARIAN
COVER, TO GIVE THE VIETCONG A "GOVERNMENT" STATUS IS
CONSIDERED BY THE NORTH VIETNAMESE AGGRESSORS AS AN
ENCOURAGEMENT TO THEIR 25 YEAR WAR OF AGGRESSION AGAINST THEIR
NEIGHBOURING STATES AND AS TO LEGITIMIZING THEIR
DAILY GENOCIDE AGAINST THE POPULATION OF SOUTH VIETNAM.

I WISH TO ENCLOSE HERewith A MEMORANDUM ISSUED BY THE
MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF VIETNAM ON THIS
SUBJECT. BY A SEPARATE NOTE, THE PERMANENT MISSION OF THE
REPUBLIC OF VIETNAM IS SEEKING CLARIFICATIONS ON MANY AMBIGUOUS
PARTS OF THE ICRC'S NOTE OF 17 MAY 1974.

I REQUEST THAT THE ICRC TAKE ALL NECESSARY MEASURES TO ENSURE
THAT THE ICRC'S NOTE OF 17 MAY 1974 BE DECLARED
INEFFECTUAL AS FAR AS ITS LEGAL EFFECTS ARE CONCERNED, ON THE
GROUND THAT THE SAID NOTE IS INCONSISTENT WITH THE FORMAL VOTE
ALREADY TAKEN BY THE DIPLOMATIC CONFERENCE.

YOURS SINCERELY, NGUYEN HOAN, ASSISTANT TO THE MINISTER FOR
POLITICAL AFFAIRS, MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC
OF VIETNAM. UNQUOTE.

DECON ON RECEIPT.ABRAMS
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